

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

IN THE MATTER OF THE COMPLAINT OF  
SAVANNAH MARINE SERVICES, INC.,  
owner of the towing vessel SARA KAITLIN,  
FOR EXONERATION FROM LIABILITY  
OR LIMITATION OF LIABILITY,

Plaintiff,

v. 407CV064

SAVANNAH MARINE SERVICES, INC.,

Defendant/Third-Party Plaintiff,

v.

MARINEX CONSTRUCTION CO., INC.,

Third-Party Defendant.

**ORDER**

Plaintiff and Third-Party Plaintiff Savannah Marine Services, Inc. ("Savannah Marine") owns and operates towing vessels, including the SARA KAITLIN. Doc. # 1 at 2. Plaintiff and Third-Party Defendant CML Equipment Company, LLC/Marinex of Charleston, Inc. ("Marinex") is a dredging company. *Id.* at 2. Savannah Marine contracted to tow Marinex's dredge and other equipment, including a large crane barge, from Charleston to Savannah. *Id.* at 2-3. As the SARA KAITLIN towed the crane barge under a South Carolina bridge, the crane's boom struck the bridge, damaging it. *Id.* at 4. Savannah Marine denied liability, blaming Marinex, and vice versa.

Five parties – South Carolina Department of Transportation (SCDOT), Beaufort County South Carolina (BCSC), Beaufort-Jasper Water and Sewer Authority (BJWSA), Embarq, Inc., and Hargray, Inc. (collectively, the "Claimants") – have filed claims against Savannah Marine and Marinex for, *inter alia*,

physical damage to the bridge, traffic and administrative costs, and damage of cable and fiber optic materials. Doc. ## 17, 19, 20, 23, 24, 26.

Before the Court are Motions for Summary Judgment filed by Plaintiff Savannah Marine Services, Inc., doc. # 143, and Plaintiff and Third-Party Defendant Marinex Construction Co., Inc., doc. # 145, against the claims of Hargray, Inc., Embarq Inc., BJWSA, and BCSC. Doc. ## 17, 19, 24, 26. On 2/26/09 this Court granted an extension of time through 4/27/09 for the Claimants to respond to the motions for summary judgment. Doc. # 149. At that time, the Court was informed that the parties were entering into mediation. The revised summary judgment response deadline has long since passed, and the Claimants have yet to respond.

The Deputy Clerk of this Court has spoken to the parties and was informed that all claims in this case have been resolved. Based on this information, the Court ***DENIES WITHOUT PREJUDICE*** the Motions for Summary Judgment filed by Savannah Marine Services, Inc. and Marinex Construction Co., Inc. Doc. ## 143, 145. If any Party or Claimant in this case has any outstanding claim which requires the Court's attention, it shall ***NOTIFY*** the Court within ***10 DAYS*** of this Order. Otherwise, the Clerk of the Court shall close this case.

This day of 1 September 2009.



B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA